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AUTHORITY: 49 U.S.C. 20103, 20107 and 49 CFR 1.49.

SOURCE: 44 FR 2175, Jan. 10, 1979, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 218 appear at 58 FR 43292, Aug. 16, 1993.

**Subpart A—General****§ 218.1 Purpose.**

This part prescribes minimum requirements for railroad operating rules and practices. Each railroad may prescribe additional or more stringent requirements in its operating rules, timetables, timetable special instructions, and other special instructions.

**§ 218.3 Application.**

(a) Except as provided in paragraph (b) of this section, this part applies to railroads that operate rolling equipment on standard gage track which is part of the general railroad system of transportation.

(b) This part does not apply to—

- (1) A railroad that operates only on track inside an installation which is not part of the general railroad system of transportation, or
- (2) Rapid transit operations in an urban area that are not connected with the general railroad system of transportation.

[44 FR 2175, Jan. 10, 1979, as amended at 53 FR 28599, July 28, 1988]

**§ 218.5 Definitions.**

*Absolute block* means a block in which no train is permitted to enter while it is occupied by another train.

*Blue signal* means a clearly distinguishable blue flag or blue light by day and a blue light at night. When attached to the operating controls of a locomotive, it need not be lighted if the inside of the cab area of the locomotive is sufficiently lighted so as to make the blue signal clearly distinguishable.

*Camp car* means any on-track vehicle, including outfit, camp, or bunk cars or modular homes mounted on flat cars used to house rail employees. It does not include wreck trains.

*Car shop repair track area* means one or more tracks within an area in which the testing, servicing, repair, inspection, or rebuilding of railroad rolling equipment is under the exclusive control of mechanical department personnel.

*Controlling Locomotive* means a locomotive arranged as having the only controls over all electrical, mechanical and pneumatic functions for one or more locomotives, including controls transmitted by radio signals if so equipped. It does not include two or more locomotives coupled in multiple which can be moved from more than one set of locomotive controls.

*Designated crew member* means an individual designated under the railroad's operating rules as the point of contact between a train or yard crew and a utility employee working with that crew.

*Effective locking device* when used in relation to a manually operated switch or a derail means one which is:

- (1) Vandal resistant;
- (2) Tamper resistant; and
- (3) Capable of being locked and unlocked only by the class, craft or group of employees for whom the protection is being provided.

*Flagman's signals* means a red flag by day and a white light at night, and a specified number of torpedoes and fuses as prescribed in the railroad's operating rules.

*Group of workers* means two or more workers of the same or different crafts assigned to work together as a unit under a common authority and who are

in communication with each other while the work is being done.

*Interlocking limits* means the tracks between the opposing home signals of an interlocking.

*Locomotive* means a self-propelled unit of equipment designed for moving other railroad rolling equipment in revenue service including a self-propelled unit designed to carry freight or passenger traffic, or both, and may consist of one or more units operated from a single control.

*Locomotive servicing track area* means one or more tracks, within an area in which the testing, servicing, repair, inspection, or rebuilding of locomotives is under the exclusive control of mechanical department personnel.

*Main track* means a track, other than an auxiliary track, extending through yards or between stations, upon which trains are operated by timetable or train order or both, or the use of which is governed by a signal system.

*Rolling equipment* includes locomotives, railroad cars, and one or more locomotives coupled to one or more cars.

*Switch providing access* means a switch which if traversed by rolling equipment could permit that rolling equipment to couple to the equipment being protected.

*Train or yard crew* means one or more railroad employees assigned a controlling locomotive, under the charge and control of one crew member; called to perform service covered by Section 2 of the Hours of Service Act; involved with the train or yard movement of railroad rolling equipment they are to work with as an operating crew; reporting and working together as a unit that remains in close contact if more than one employee; and subject to the railroad operating rules and program of operational tests and inspections required in §§217.9 and 217.11 of this chapter.

*Utility employee* means a railroad employee assigned to and functioning as a temporary member of a train or yard crew whose primary function is to assist the train or yard crew in the assembly, disassembly or classification of rail cars, or operation of trains (subject to the conditions set forth in §218.22 of this chapter).

*Worker* means any railroad employee assigned to inspect, test, repair, or service railroad rolling equipment, or their components, including brake systems. Members of train and yard crews are excluded except when assigned such work on railroad rolling equipment that is not part of the train or yard movement they have been called to operate (or been assigned to as "utility employees"). Utility employees assigned to and functioning as temporary members of a specific train or yard crew (subject to the conditions set forth in §218.22 of this chapter), are excluded only when so assigned and functioning.

NOTE: Servicing does not include supplying cabooses, locomotives, or passenger cars with items such as ice, drinking water, tools, sanitary supplies, stationery, or flagging equipment.

Testing does not include (i) visual observations made by an employee positioned on or alongside a caboose, locomotive, or passenger car; or (ii) marker inspections made in accordance with the provisions of §221.16(b) of this chapter.

[58 FR 43292, Aug. 16, 1993, as amended at 60 FR 11049, Mar. 1, 1995]

#### §218.7 Waivers.

(a) A railroad may petition the Federal Railroad Administration for a waiver of compliance with any requirement prescribed in this part.

(b) Each petition for a waiver under this section must be filed in the manner and contain the information required by part 211 of this chapter.

(c) If the Administrator finds that waiver of compliance is in the public interest and is consistent with railroad safety, he may grant the waiver subject to any conditions he deems necessary. Notice of each waiver granted, including a statement of the reasons, therefore, is published in the FEDERAL REGISTER.

#### §218.9 Civil penalty.

Any person (an entity of any type covered under 1 U.S.C. 1, including but not limited to the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or